

REMARKS/ARGUMENTS

Claims 7, 18 and 31 are pending in the present application and were amended. Claims 1-6, 8-10, 12-17, 19-21, 23-30, 32-33 and 35-38 were canceled by this Response. No claims were added. This application is believed to be in condition for allowance, and reconsideration is respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 101

The Examiner has rejected claims 12-22 and 35 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter because “computer readable medium” is defined in the specification as including transmission type media.

In order to expedite prosecution, claim 18, which has been amended to be in independent form, has also been amended to recite “a recordable-type” computer readable medium. Support for this terminology can be found on page 37, lines 10-12 of the specification which defines recordable-type computer readable media as including a floppy disk, a hard disk drive, a RAM, CD-ROMs and DVD-ROMs, as distinguished from transmission-type media. Claim 18, accordingly, clearly recites statutory subject matter and fully satisfies the requirements of 35 U.S.C. § 101.

Claims 12-17, 19-22 and 35 have been canceled, and, accordingly, the rejection with respect to those claims is now moot.

Therefore, the rejection of the claims under 35 U.S.C. § 101 has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1-2, 6-10, 12-13, 19-21, 23-26, 32-33 and 35-37 under 35 U.S.C. § 103 as being unpatentable over Aiu et al. (US Patent Publication 2004/0003079) in view of McDonnell et al. (US Patent Publication 2002/0177449). In addition, the Examiner has rejected claims 3-4, 14-15, 27-28 and 38 under 35 U.S.C. § 103 as being unpatentable over Aiu et al. in view of McDonnell et al. and further in view of Banavar et al. (US Patent Publication 2003/0187984); and has rejected claims 5-6, 16-17 and 29-30 under 35 U.S.C. § 103 as being unpatentable over Aiu et al. in view of McDonnell et al. and Banavar et al., and further in view of Goldman (US Patent Publication 2003/0233418).

By the present Amendment, claims 1-6, 8-10, 12-17, 19-21, 23-30, 32-33 and 35-38 have all been canceled. Therefore, the rejections of the claims under 35 U.S.C. § 103 is now moot.

III. Allowable Subject Matter

The Examiner states that claims 7 and 31 would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. The Examiner also states that claim 18 would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims, and to overcome the rejection under 35 U.S.C. § 101.

By the present Amendment, claim 7 has been rewritten into independent form and includes all the limitations of base claim 1 and intervening claims 4 and 5; claim 31 has been rewritten into independent form and includes all the limitations of base claim 24 and intervening claims 28 and 29; and claim 18 has been rewritten into independent form and includes all the limitations of base claim 12 and intervening claims 15 and 16. In addition, as indicated above, claim 18 has also been amended to overcome the rejection under 35 U.S.C. § 101.

Claims 7, 18 and 31, accordingly, are now allowable, and this application is believed to be in condition for allowance.

IV. Conclusion

It is respectfully urged that the subject application is now in condition for allowance, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

Applicant has amended claims 7, 18 and 31 and has canceled claims 1-6, 8-10, 12-17, 19-21, 23-30, 32-33 and 35-38 from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner, or that any of those claims fail to recite statutory subject matter, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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